## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re the Application of

JUL 3 0 2001

Kazunori KAGAWA et al.

Attention: Office of Petitions

Application No.: 09/736,440

Filed: December 15, 2000

Docket No.:

108143

For:

BRAKING PRESSURE CONTROL APPARATUS CAPABLE OF SWITCHING BETWEEN TWO BRAKE OPERATING STATES USING POWER-OPERATED AND MANUALLY

OPERATED PRESSURE SOURCES, RESPECTIVELY

# PETITION TO BE ACCORDED **DECEMBER 15, 2000 FILING DATE**

Director of the U.S. Patent and Trademark Office Washington, D.C. 20231

Sir:

A Notice of Incomplete Application was mailed on January 31, 2001 indicating that this application was filed without drawings. On February 8, a Response to the Notice of Incomplete Application was filed indicating that the drawings were filed with the application on December 15, 2000. Copies of the drawings were again provided on February 8 along with a copy of the U.S. Patent and Trademark Office acknowledgement of receipt of the December 15 application and 27 sheets of drawings (Figs. 1-25). For the convenience of the Office of Petitions, copies of the Notice of Incomplete Application and the Response to the Notice, with the U.S. Patent and Trademark Office acknowledgment of receipt, are attached.

It is respectfully requested that the Response to the Notice of Incomplete Application be considered a petition to be accorded the December 15, 2000 filing date. All the filing formalities were accomplished on that date because drawings were submitted, as indicated by the U.S. Patent and Trademark acknowledgement of receipt (which was provided with the Response to the Notice of Incomplete Application). In addition, the Response to Notice of Incomplete Application authorized the U.S. Patent and Trademark Office to debit Deposit Account Number 15-0461 for any fee associated with that communication. Therefore, the petition fee has been addressed. It is noted, however, that a petition fee should not be assessed to this application because the drawings were filed on December 15, 2000.

It is noted that the Official Filing Receipt for this application indicates a filing date of January 8, 2001 (not February 8, 2001 as might be expected). On that date, the original Declaration was submitted to the U.S. Patent and Trademark Office. The original Declaration corresponded to the facsimile copy of the Declaration filed on December 15, 2000.

When considering this petition, the U.S. Patent and Trademark Office is requested to change the filing date on the Official Filing Receipt from January 8, 2001 to December 15, 2000.

The appropriate official at the U.S. Patent and Trademark Office is invited to contact the undersigned if there are any questions regarding this communication.

Respectfully submitted,

James A. Oliff

Registration No. 27,075

Thomas J. Pardini

Registration No. 30,411

JAO:TJP/kaf

**Enclosures:** 

Notice of Incomplete Application Response to Notice of Incomplete Application with attachments

Date: July 30, 2001

OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandria, Virginia 22320 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461





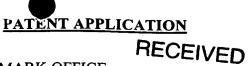
## The following papers have been filed:

App.Tran w/ch#114688 (\$1518); 213pp spec/56clm/abst; 27pp drwg (fig 1-25); Dec; Assg.Tran w/ch#114687 (\$40); IDS; PTO-1449 w/13 refs; Cert.Copies of Prior #11-367991 filed 12/24/99 & 11-367992 filed 12/24/99

Kazunori KAGAWA; Kimihiro MATSUKI; Tetsuya MINGA Fumiaki KAWAHATA; Akihiro OTOMO; Eiji NAKAMURA
New U.S. Patent Application
108143
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## RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Director of the U.S. Patent and Trademark Office Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Non-Provisional Application (copy attached) mailed on January 31, submitted herewith is the stamped postcard stating that the drawings were filed with the application on December 15, 2000. A duplicate set of the originally filed drawings is also attached.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notice of Incomplete Non-Provisional Application. Accordingly, examination and allowance of this application in due course are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,

James A. Oliff Registration No. 27,075

Joel S. Armstrong Registration No. 36,430

JAO:JSA/kaf

Date: February 8, 2001

OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandria, Virginia 22320 Teleph ne: (703) 836-6400

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## United States Patent and Trademark Office

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE IESOS .D.C. 2023I

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/736,440

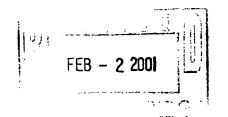
12/15/2000

Kazunori Kagawa

OC000000005723398\*

108143

Oliff & Berridge PLC P. O. Box 19928 Alexandria, VA 22320



**CONFIRMATION NO. 8816** FORMALITIES LETTER

Date Mailed: 01/31/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

 The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY